

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

George Robert Owens,

Plaintiff,

VS.

Michael J. Astrue, Commissioner of
Social Security,

Defendant.

C/A No.: 6:06-1254-MBS

OPINION AND ORDER

Plaintiff George Robert Owens filed applications for a period of disability and disability insurance benefits on September 10, 2003, alleging disability commencing January 1, 2003 because of a bulging disc in the lower back, diabetes, and mental problems. The applications were denied initially and upon reconsideration. Plaintiff requested a hearing before an administrative law judge (“ALJ”). The ALJ held a hearing on June 13, 2005. On November 3, 2005, the ALJ issued a decision that Plaintiff was not entitled to a period of disability and disability insurance benefits under sections 216(i) and 223, respectively, of the Social Security Act. The decision of the ALJ became the “final decision” of the Commissioner on February 22, 2006, after the Appeals Council determined that there was no basis for granting Plaintiff’s request for review. Plaintiff thereafter brought the within action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the “final decision” of the Commissioner.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge William M. Catoe for a Report and Recommendation. On March 14, 2007, the Magistrate Judge filed a Report and Recommendation in which he determined that the ALJ failed to state the factors and evidence upon which he relied in evaluating Plaintiff's credibility.

Thus, according to the Magistrate Judge, there was not substantial evidence to uphold the final decision. The Magistrate Judge recommended that the case be remanded for further proceedings. No party filed objections to the Report and Recommendation.

The court is charged with making a *de novo* determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and the record in this case, the court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, the Commissioner's decision is reversed pursuant to sentence four of 42 U.S.C. § 405(g) and the case is remanded to the Commissioner for further administrative action as set forth herein and in the Report and Recommendation.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

April 7, 2007